



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,984	08/07/2001	Jason Rupe	1732 (42059-01170)	3566

20350 7590 06/30/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
----------	--------------

2642

13

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,984

Applicant(s)

RUPE ET AL.

Examiner

Karen Le

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,9,10 and 12-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,9,10 and 12-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1, 3, 9, 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,014,439), in view of Judkins et al. (6,603,854).
2. Regarding claim 1, Walker teaches a method for call processing in a call center (Fig. 1, item 100) comprising the steps of: receiving at least one incoming telephone call over a communications network (Fig. 8a, item 805), collecting information relating to the at least one telephone call (Col. 5, lines 54-55, Col. 4, lines 53-60) presenting at least one interactive audio menu which includes options for being placed in a queue in order to speak with a selected customer service representative (Col. 2, lines 63-67), accessing one or more interactive applications while waiting in the queue and accessing only the interactive applications (Col. 2, lines 41-43); upon affirmative selection for being placed in the queue (Col. 2, lines 63-67 and Col. 3, lines 1-7), and presenting an option to be routed to the selected customer service representative upon occurrence of a detected event (col. 3, lines 21-27).

In addition, Walker does not directly mention about assigning a routing priority number for routing the at least one telephone call to the selected customer service representative based on the collected information. Wherein the routing priority number is determined based on at least one of: order in which the at least one incoming call is received, indication made in the at least one telephone call, and from monitoring the interactive applications selected during the at least one telephone call. However, Judkins teach that assigning a routing priority number for routing

the at least one telephone call to the selected customer service representative based on the collected information (Col. 13, lines 39-45). The caller's name and telephone number are typically identified by the telephone number (ANI) from which the call is made. Judkins allows a user to prioritize calls based on the number dialed (DNIS), the number dialed from (ANI), and the length of time in queue. The length of time in queue indicates the order in which incoming call is received (note that the claim recites "at least one of ..."). As a result, the longer is the length of time in queue, the earlier the call is received. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Walker's system to Judkins' system to provide better routing priority number in order to route the telephone call to agent based on the collected information from caller's profile.

Regarding claim 3, Walker further teaches the detected event comprises at least one of: a change in an availability status for the selected customer service representative, completion of one of the interactive applications, and a received indication from the at least one telephone call. (Fig. 8c, item 865).

Regarding claim 9, Walker further teaches a system for processing telephone calls comprising: a communications network interface device (Fig. 1, item 155) configurable for receiving and processing of at least one incoming telephone call and providing access to at least one interactive application; a queuing application (Fig. 2, item 210) in connection with the network interface (Fig. 1, item 170) which is configured to simultaneously hold the at least one

Art Unit: 2642

incoming telephone call in a the call queue while the at least one incoming telephone call is hosted in the communications network interface (Col. 6, lines 43-45);

said communications network interface device being further configured to provide access to one or more of the at least one interactive applications while the at least one telephone call is in the call queue (Fig. 8B, item 842, 845, 850); and

a call distributing apparatus (Fig. 2, item 150) in connection with at least one communications network interface (Fig. 1, item 250 or 245 or 260), a queuing application (Fig. 2, item 210) in connection with the network interface (Fig. 1, item 170).

Walker does not teach a communication network interface is configured to route the at least one incoming call to a designated destination according to the priority number, and a network interface is configured to determine a priority number for placement of the at least one incoming telephone call in a call queue. However, Judkins teaches a communication network interface is configured to route the at least one incoming call to a designated destination according to the priority number, and a network interface is configured to determine a priority number for placement of the at least one incoming telephone call in a call queue. The caller's name and telephone number are typically identified by the telephone number (AIN) from which the call is made. Judkins allows a user to priotize calls based on the number dialed (DNIS), the number dialed from (AIN), and the length of time in queue, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Walker's system to Judkins' system to provide better routing priority number in order to routing the telephone call to agent based on the collected information from caller's profile.

Walker does not teach the communications network interface, the queuing application, and the call distributing apparatus are resident in a public switched telephone network (PSTN). However, it has been held for many years that the separation or integration of components/functions would be obvious and does not rise to the level of patentability.

Regarding claim 10, Walker further teaches the destination is a customer telephone system that supports call attendants (Fig. 1, item 160).

Regarding claim 11, Walker further teaches at least one of: the communications network interface (Fig. 1, item 170) the queuing application (Fig. 2, item 210), the call distributing apparatus (Fig. 1, item 150); are resident on central office switch in a public switched telephone network (PSTN) (Fig. 1, item 135).

Regarding claim 12, Walker further teaches at least one of the communications network interface, the queuing application, the call distributing apparatus; are resident on customer premise equipment (CPE) (Fig. 1, item 110 and 105).

Regarding claim 13, Walker further teaches the communications network interface is configured on voice response unit (VRU) interfaced with the public switched telephone network (PSTN) (Fig. 1, item 155).

Regarding claim 14, Walker further teaches the queuing application is configured on a network based application server (Fig. 2, item 205 and 150).

Regarding claim 15, Walker further teaches the call distributing apparatus is configured on an automatic call distributor (ACD) (Fig. 2, item 150).

Regarding claim 16, Walker further teaches the ACD routes the at least one incoming call to a customer PBX system over data network (Fig. 1, item 145).

Response to Argument

3. For claims 1 and 9, applicant argued that the routing priority number is determined based on at least one of: order in which the at least one incoming call is received, indication made in the at least one telephone call, and from monitoring the interactive applications selected during the at least one telephone call. Judkins allows a user to prioritize calls based on the length of time in queue. The length of time in queue indicates the order in which incoming call is received. As a result, the longer is the length of time in queue, the earlier the call is received. Applicant further argue that communications network interface, the queuing application, and the call distributing apparatus are resident in a public switched telephone network (PSTN). However, it has been held for many years that separation or integration of components/functions would be obvious and does not rise to the level of patentability.

Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

KLL
Karen Le

June 18, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600